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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,598	12/12/2001	Shyh-Haur Su	0158/OK098	3481

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EXAMINER

VO, ANH T N

ART UNIT PAPER NUMBER

2861

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,598	Applicant(s) SU ET AL.	
	Examiner Anh T.N. Vo	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 10, 17 and 19-20 are rejected under 35 USC 102 (b) as being anticipated by Amberntsson et al (US 4,005,440).

Amberntsson et al. disclose in Figures 11-14 a printing head for an ink jet printer comprising:

- an inkjet print head having a plurality of fluid channels (43);
 - a plurality of capillary tubes (41), filled with predetermined fluids, disposed on the inkjet print head so as to communicate with the fluid channels (43) respectively and provide capillarity sufficient to prevent the fluids in the capillary tubes from leaking through the fluid channels (43) but not so great as to prevent the fluids in the capillary tubes (41) from dispensing through the fluid channels;
 - wherein the capillary tubes (41) do not communicate with each other.
 - With regard to claims 8 and 17, the head is piezoelectric pressure wave type, see lines 10-15, column 1.
 - With regard to claims 19-20, the capillary tubes (41) are disposed in an array manner, see Figure 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 USC 103 (a) as being unpatentable over Cowger et al. (US Pat. 5,047,790) in view of Feenstra et al. (US Pat. 4,421,706) and further in view of Friedman et al (US 6,235,473).

Cowger et al disclose in Figures 1-2 an ink jet pen comprising:

- an inkjet print head (18) having a plurality of fluid channels (not shown);
- a plurality of capillary tubes (10), filled with predetermined fluids (ink), disposed on the inkjet print head (18) so as to communicate with the fluid channels and provide capillarity sufficient to prevent the fluids in the capillary tubes from leaking through the fluid channels (3) but not so great as to prevent the fluids in the capillary tubes (15) from dispensing through the fluid channels (Figure 1) (Figure 1, column 3, lines 15-20).
- wherein the inkjet print head (18) is thermal bubble type (column 1, lines 20-24);
- wherein the inkjet print head (18) is piezoelectric pressure wave type (column 1, lines 25-29);
- and
- a cap (20), with a pressure regulator (22, 24, 30), disposed on the capillary tubes (10) so that the capacity of the fluid in the capillary tube can be enlarged without causing leakage (column 2, lines 35-38).

However, Cowger et al. do not disclose that the capillary tubes do not communicate with each other and the inkjet print head comprises: "a base, having a plurality of first through holes corresponding to the capillary tubes respectively, for receiving the capillary tubes; an inkjet chip, for actuating the fluids in the capillary tubes to dispense, disposed on the base and provided

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with a plurality of second through holes corresponding to the first through holes respectively; a nozzle plate, for dispensing the fluids in the capillary tubes, disposed on the inkjet chip and provided with a plurality of orifices corresponding to the second through holes respectively, wherein the first through holes, the second through holes and the orifices form the fluid channels respectively; wherein the inkjet chip is adhered to the base; and wherein the nozzle plate (23) is adhered to the inkjet chip”.

Nevertheless, Feenstra et al. disclose in Figures 1-5 a printing head for an ink jet printer comprising:

- a base (11), having a plurality of first through holes corresponding to the capillary tubes (15) respectively, for receiving the capillary tubes (Figure 1);
- an inkjet chip (5, 7, 1), for actuating the fluids in the capillary tubes (15) to dispense, disposed on the base (11) and provided with a plurality of second through holes corresponding to the first through holes respectively;
- a nozzle plate (23), for dispensing the fluids in the capillary tubes (15), disposed on the inkjet chip (5, 7, 1) and provided with a plurality of orifices (25) corresponding to the second through holes respectively, wherein the first through holes, the second through holes and the orifices (25) form the fluid channels (3) respectively;
- wherein the inkjet chip (7, 5, 1) is adhered to the base (11); and
- wherein the nozzle plate (23) is adhered to the inkjet chip (1, 5, 7).

Friedman et al suggests in Figure 5 a printing device comprising a plurality of capillary tubes (72) which do not communicate with each other for printing arrays on an array supports, see lines 32-40, column 3.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Feenstra et al. and Friedman et al into the Cowger et al. ink jet pen for the purpose of providing printing heads being manufactured very simple and quick, and for printing arrays on the array support.

It has been held that a recitation “each of the capillary tubes is filled with gel-like materials and/or with oil-like materials above the received fluid so as to prevent the fluid from leaking” is the selection of a known material based on its suitability for its intended use and is considered to be a matter of choice for engineer depending upon a particular environment that would have been obvious at the time the invention for the purpose of sealing capillary tubes to prevent ink leakage.

Response to Applicant's Argument

The applicant argues that Feenstra and Cowgers do not suggests that the capillary tubes do not communicate with each other. The argument is persuasive. However, this limitation is suggests in Friedman et al and Amberntsson et al references as stated above.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M.to 7:00 P.M..

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The fax number of this Group 2861 is (571) 273-8300.



ANH/TN. VO
PRIMARY EXAMINER
December 20, 2005